

Appl. No. 09/955,879
Atty. Docket No. 8293R
Amdt. dated September 30, 2004
Reply to Office Action of June 2, 2004
Customer No. 27752

REMARKS

No Amendments have been made to the Claims. A Declaration under 37 C.F.R. §1.132, made by Kelyn Anne Arora in support of the present invention, is submitted herewith for consideration by the Examiner. Claims 1-5 and 7-11 remain pending in this Application and are presented for the Examiner's reconsideration based on the following comments made in light of the Declaration.

Rejections Under 35 U.S.C. §102 / §103

Pending claims 1-5 and 7-11 have been rejected under 35 U.S.C. §102(e) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Meece et al., U.S. Publication No. 2001/0008675 A1.

In order to form the basis for a prima facie case of obviousness or an anticipation rejection, the cited reference must teach or suggest all of the present claim limitations. Applicants assert that Meece et al. does not meet these criteria. Specifically, Meece et al. does not explicitly or implicitly teach the bending rigidity of the present invention.

According to paragraph 10 of the aforementioned Declaration, "...the bending rigidity of the nonwoven web described in Meece et al. is over ten times higher than the bending rigidity of the nonwoven web of the present invention." Thus the presumption that the Meece et al. material inherently has the properties of the present invention is a faulty one.

Applicants have assumed and overcome the burden to prove that the nonwoven web of Meece et al., does not inherently teach the properties of the present invention, as per *In re Fitzgerald*. Therefore, Applicants respectfully request withdrawal of the aforementioned rejections to pending claims 1-5 and 7-11.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

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This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
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